

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CARLOS WARE,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 2:18-CV-814-WKW
)	[WO]
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On July 13, 2021, based upon Petitioner's notice to the court (Doc. # 17), the court vacated the Order adopting the Recommendation of the Magistrate Judge (Doc. # 15) and the Final Judgment (Doc. # 16) and granted Petitioner an extension of time to object to the Recommendation. (Doc. # 18.) The extended August 6, 2021 deadline for filing objections has come and gone, and Petitioner has filed no objections.

Accordingly, it is ORDERED that, based upon an independent review of the record, the Recommendation (Doc. # 14) is ADOPTED, the 28 U.S.C. § 2255 motion is DENIED, and that this action is DISMISSED with prejudice.

An appropriate final judgment will be entered.

A certificate of appealability will not be issued. For a petitioner to obtain a certificate of appealability, he must make "a substantial showing of the denial of a

constitutional right.” 28 U.S.C. § 2253(c)(2). This showing requires that “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citation and internal quotation marks omitted). And, where a petition is denied on procedural grounds, he “must show not only that one or more of the claims he has raised presents a substantial constitutional issue, but also that there is a substantial issue about the correctness of the procedural ground on which the petition was denied.” *Gordon v. Sec’y, Dep’t of Corrs.*, 479 F.3d 1299, 1300 (11th Cir. 2007) (citations omitted). “A ‘substantial question’ about the procedural ruling means that the correctness of it under the law as it now stands is debatable among jurists of reason.” *Id.*

Because reasonable jurists would not find the denial of Petitioner’s § 2255 motion debatable, a certificate of appealability is DENIED.

DONE this 31st day of August, 2021.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE